

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR.17, PANCHKULA

Order

The 15th March, 2013

No. SEC/3ME/2013/1811.—As per provisions contained in Section 13 D and 13 E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee has to maintain an account of his election expenses from the date of his nomination till the declaration of result. The State Election Commission, Haryana, *vide* its Notification No. SEC/4ME/2006/9706, dated 19.12.2006, has fixed the time limit of 30 days from the date of declaration of election result to file/lodge account of election expenses with the Deputy Commissioner or any other officer prescribed by the Commission. The expenditure limit of Rs.35,000/- for the contesting candidate of the Municipal Committee has also been prescribed *vide* its notification No. SEC/3ME/2003/10216, dated 24/10/2003. If a candidate does not file his election expenditure statement within the prescribed time limit or make expenditure beyond prescribed expenditure limit, he/she could be disqualified by the State Election Commission, Haryana for a period of three years.

2. The General election to Municipal Committee, Naraingarh, District Ambala, was held on 20.05.2010 and the result was declared on the same day. Therefore, election expenses account were to be filed by 19.6.2010. The following twenty nine candidates failed to lodge account of their election expenses within 30 days of the declaration election result :—

Sr.No.	Name of candidate	Ward No.
1.	Sh. Jai Kumar	1
2.	Sh. Jai Pal Singha	1
3.	Sh. Parvin Kumar	10
4.	Smt. Nilam	2
5.	Smt. Sudha	2
6.	Sh. Naveen Kumar	4
7.	Sh. Parveen Kumar	4
8.	Sh. Jai Parkash	5
9.	Sh. Abdul Gaffar	6
10.	Sh. Pawan Kumar	6
11.	Sh. Suresh Kumar	12
12.	Smt. Satnam Kaur	9
13.	Smt. Shashi Bala	9
14.	Sh. Krishan Lal	8
15.	Sh. Jagdev Kumar	8
16.	Sh. Mahima Dass	11
17.	Smt. Sulochna Devi	8
18.	Sh. Kulwant Singh	9
19.	Sh. Pramjeet Singh	1
20.	Smt. Satnam Kaur	9
21.	Sh. Sumit Kumar	10
22.	Sh. Inderpal	11

Sr. No.	Name of candidate	Ward No.
23.	Sh. Krishan Kumar	11
24.	Sh. Hardev Singha	9
25.	Smt. Kiran Bala	6
26.	Smt. Jagiro Devi	12
27.	Smt. Sunita	12
28.	Smt. Harbans Kaur	12
29.	Smt. Nilam Gulia	10

A show cause notice was served upon them to explain as to why they should not be disqualified for their failure to file election expenditure account within the prescribed time. They were personally heard on 23.01.2013 in the court room of Deputy Commissioner, Ambala. Amongst them, three candidates at Sr. No. 3, 8 and 29 had submitted expenditure registers in the office of the Commission.

3. During hearing, out of 29 candidates, 17 candidates at Sr. No.1, 2, 3,4,5,7, 8, 9, 11, 13, 14, 16, 18, 22, 23, 26, 29 were appeared and submitted the following submissions:—

- (i) Three candidates at Sr. No.3, 8 and 29 stated that they had already sent their expenditure registers to the office of the Commission. Their expenditure registers have been received in the Commission.
- (ii) One candidate mentioned at Sr. No. 11 (Sh. Suresh Kumar) stated that he had deposited his expenditure register with the Municipal Committee, Naraingarh. The Secretary, Municipal Committee, Naraingarh intimated that the expenditure register of Sh. Suresh Kumar has already been sent to the Commission. After checking the list of the candidates who have deposited the expenditure register, it is found that the name of Sh. Suresh Kumar included at Sr. No.16.
- (iii) Twelve candidates at Sr. No.1, 2, 4,5,7, 13, 14, 16, 18,22,23,26 stated that they were not aware about deposit of the expenditure register and due to some other reasons, they could not deposit expenditure register. During hearing, they had submitted their expenditure registers.
- (iv) One candidate at Sr. No. 9 stated that his expenditure register was lost. So, he could not deposit the same. He had submitted a receipt of Rs. 6200/- at the time of hearing.

4. The twelve candidates at Sr. No. 6, 10, 12, 15, 17, 19,20,21, 24, 25, 27 and 28 were neither present nor had submitted any reply to the Commission.

5. From perusal of the records and the submission made at the time of hearing, seventeen candidates at Sr. No.1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14, 16, 18, 22, 23, 26 and 29 have deposited their election expenditure statement after the prescribed time. It has been observed that the candidates are generally not aware of the procedure of filing the election expenditure statement and consequently they do not submit such statement in time. Most of them have submitted expenditure account after receipt of show cause notice. Therefore, in view of above and taking a lenient view in the matter, the seventeen candidates mentioned above are hereby exempted from filing election expenditure statement with warning not to repeat such lapse in the future.

6. Remaining twelve candidates at Sr. No. 6, 10, 12, 15, 17, 19, 20, 21, 24, 25, 27 and 28 of para 2 have neither submitted statements of expenditure so far, nor filed any reply of the show cause notice and are hereby disqualified for a period of 3 years from the date of this order.

7. The office is directed to send a copy of the order to all concerned and also get it notified in the Haryana Government Gazette.

Panchkula:

The 13th March, 2013.

DHARAM VIR,

State Election Commissioner, Haryana.